REMARKS/ARGUMENTS

After the foregoing Amendments, claims 35-48 are currently pending in this application. Claims 1-34 were previously canceled without prejudice.

Claim Rejections - 35 USC §102

Claims 35-48 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2005/0207395 to Mohammed (hereinafter "Mohammed"). However, Mohammed does not anticipate the current claims for at least the reason that Mohammed does not teach "a transmitter configured to send a request for information regarding available channels to a server connected to the Internet and coupled to a database wherein the database is configured to contain information regarding available channels; a receiver configured to receive over a first communication interface information regarding the available channels received from the database; and a processor configured to determine whether to switch to a second communication interface based on the information received from the database regarding the available channels " as recited in independent claim 35.

Mohammed teaches the automatic transition of a subscriber device from one network to another, facilitated by a system server and a base station. [0026] [0028] When a subscriber device roams outside of a network or crosses a boundary, the

subscriber device is immediately switched from one network to another, creating a seamless transition to base station service that is transparent to the user. [0063]

In Mohammed, the subscriber device broadcasts location update data or signal strength data to the base station. [0032] The base station sends this information to the system server. [0065] While Mohammed teaches sending information to the network, the information sent pertains to the subscriber device and its capabilities and not to "a request for information regarding available channels to a server connected to the Internet and coupled to a database" as described in independent claim 35.

In addition, Mohammed teaches a system server that contains a memory module. The memory module contains a database for storing "the current location of devices 12 and indicating whether they are within the coverage area 16." [0053] The memory module does not contain "a database wherein the database is configured to contain information regarding available channels" as disclosed in independent claim 35. [0052][0053] Therefore, Mohammed does not teach, suggest or disclose "a receiver configured to receive over a first communication interface information regarding the available channels received from the database" since the memory module does not store available channel information in the database.

Moreover, Mohammed teaches a "handoff command initiated at the subscriber interface module 228 of the base station" for triggering handoff. [0072]

The "handoff command is received at the subscriber device 12". [0061] Since the subscriber interface module is located in the base station and the base station initiates handoff by sending a handoff command, Mohammad does not teach, suggest or disclose a wireless transmit receive unit (WTRU) comprising a "processor configured to determine whether to switch to a second communication interface based on the information received from the database regarding the available channels" as recited in independent claim 35.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987); see also MPEP § 2131). Based on the reasons provided above, Mohammed does not anticipate claim 35.

Claim 42 is not identical to, but recites similar elements to claim 35. Claim 42 is not anticipated by Mohammed for the reasons set forth above with respect to claim 35.

Claims 36-41 (which depend upon claim 35) and claims 43-48 (which depend upon claim 42) are not anticipated by Mohammed at least by virtue of their dependence upon independent claims 35 or 42, respectively.

Based on the arguments presented above, withdrawal of the 35 U.S.C. § 102(e) rejection of claims 35-48 is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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